

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MICHELLE L. GILBERT,)	CIVIL ACTION NO. 04-0695
)	
Plaintiff,)	Judge Conti
)	Magistrate Judge Caiazza
v.)	
)	
FRATERNAL ORDER OF EAGLES)	
AERIE NUMBER 983 OF)	
BROOKVILLE, PENNSYLVANIA.)	
)	
)	


MEMORANDUM ORDER

On May 27, 2004 this case was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

On November 18, 2005 the magistrate judge issued a Report and Recommendation (Doc. 43) recommending that the District Court deny the Defendants' Motion for Summary Judgment (Doc. 16), and deny the Plaintiff's Motion for Partial Summary Judgment (Doc. 33). Service of the Report and Recommendation was made on the parties. Objections were filed by the Plaintiff (Doc. 44) on December 5, 2005. Objections by the Defendant (Doc. 45) were also filed on December 5, 2005. After a *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation and the objections thereto, the following order is entered:

AND NOW, this 23rd day of December 2005, IT IS HEREBY ORDERED that the Defendants' Motion for Summary Judgment (Doc. 16) is **DENIED**; and Plaintiff's Motion for Partial Summary Judgment (Doc. 33) is also **DENIED**.

The Report and Recommendation of Magistrate Judge Caiazza dated November 18, 2005 is hereby adopted as the opinion of the court.


Joy Flowers Conti
United States District Court Judge

cc:

Francis X. Caiazza
U.S. Magistrate Judge

cc:

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